

Special Elections for Frederick County

Council Member Steve McKay (District 2)



Current Process for Filling Vacancies

- Vacancies for each of the three top elected seats – County Executive, County Council and Board of Education – are currently filled via an appointment rather than an election.
- County Executive – appointed via Council majority vote, with possibility of nominee selected by party central committee or being the Chief Administrative Officer.
- County Council – appointed via Council majority vote, with possibility of appointment by the County Executive.
- Board of Education – appointed by County Executive and confirmed by County Council.



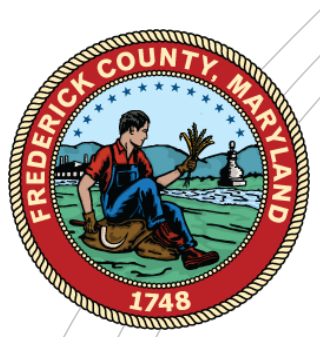
Special Elections to Fill Vacancies

- *When practical*, a vacancy in an elected office should be filled by a vote of the people.
- What do I mean by “when practical”?
 - Hold special elections during currently authorized election cycles – Presidential Election for County Executive and County Council, Presidential or Gubernatorial Election for Board of Education.
 - Avoids excessive cost of holding a completely separate election – estimated at \$250,000-300,000.
- Limits special elections for vacancies that occur during the first 12 months of a term.
 - Allows time for candidates for the special election to register for their party’s primary election.



Are Special Elections Authorized in MD Law?

- YES!
 - Maryland Law authorizes special elections to fill vacancies for County Council and County Executive.
 - Not currently authorized for Board of Education vacancies.
- Most Charter counties provide for special elections to fill vacancies for County Council and/or County Executive – Anne Arundel, Dorchester, Harford, Howard (CC only), Montgomery, Prince Georges, Talbot and Wicomico.
 - Procedures differ for each County.
 - Most of these counties restrict the special election to be concurrent with Presidential election dates.
 - Montgomery, Dorchester, and Prince Georges counties allow for special elections separate from Presidential election dates.
- Baltimore, Cecil, and Frederick counties are the only Charter counties that do not allow special elections.



What is Required to Implement Special Elections Here in Frederick County?

- Board of Education.
 - Two areas of Maryland law must be amended:
 - Election Article – must be amended to provide the authority for special elections for Board of Education vacancies. This would be a State-wide change.
 - Education Article – amend the procedures specific for Frederick County’s Board of Education vacancies.
 - These require two separate bills passed and signed in Annapolis.
- County Council and County Executive.
 - Charter must be amended for both vacancy procedures.
 - Requires a Charter Referendum passed by the voters.
- Both efforts – legislation & charter amendments – could be planned for 2020.



Appointment Process Is Still Needed

- Even if special elections are approved for the three elected offices, there will still be a requirement for an appointment process.
- A vacancy in the first 12 months would be filled by an interim appointment, prior to special election.
 - Appointee would serve until the first Monday of December following the general election.
 - Interim appointee is then replaced by the elected official.
- A vacancy occurring after the first 12 months – too late for a special election – would be filled by a longer term appointment and serve for the remainder of the unexpired term.



Improving the Appointment Process

- Appointees to elected offices should be viewed differently than appointees to boards & commissions.
- An elected office carries more authority and deserves more public scrutiny.
- The appointment process should be well documented and transparent, with the following open to the public:
 - Applicant names.
 - Applicant interviews.
- This should include applicants considered by party Central Committees for County Council and County Executive.



Next Steps to Implement Special Elections

- Board of Education.
 - Meet with Delegation members to build support and draft legislation.
 - Consider changes to Council procedures to provide greater transparency during the appointee confirmation process.
 - Discuss transparency measures with County Executive for appointee application process.
- County Council and County Executive.
 - Present proposal to Charter Review Commission.
 - Draft Charter amendment language for the Commission's consideration.
- What is the will of the Council?